

ORDINANCE TO RESTRICT UNWANTED CONTACT WITH AND INTRUSION INTO
OCCUPIED MOTOR VEHICLES ON ROADWAYS

WHEREAS, the City may adopt ordinances to prohibit acts detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the City, and to regulate the use of the public streets;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DURHAM ORDAINS:

Section 1. The following is adopted as Article VI of Chapter 54 of the City Code:

**ARTICLE VI. CONTACT WITH AND INTRUSION INTO
OCCUPIED VEHICLES ON ROADWAYS**

Sec. 54-262. Purpose.

This article is intended to reduce the fear and intimidation that persons in motor vehicles feel when someone touches or intrudes into the vehicle without invitation or consent.

Sec. 54-263. Definitions.

The definitions in section 54-26 for the following words are incorporated: occupant, motor vehicle, roadway, and tangible thing.

Enclosed vehicle means a motor vehicle, excluding every vehicle designed to run upon the streets that is pulled by a self-propelled vehicle.

Sec. 54-264. Contact with and intrusion into occupied motor vehicle.

It is unlawful for a pedestrian to place a tangible thing or any part of his or her body on or inside an occupied enclosed vehicle that is on the roadway. This section is not intended to repeal or affect any other provision in the City Code or any authority to act provided for by any other provision in the City Code. This section does not apply --

- (1) If the pedestrian has a right to possess, occupy, or use the vehicle, or the consent of a person with a right to possess, occupy, or use the vehicle;
- (2) If the pedestrian has an ownership interest in the vehicle, or the consent of a person with an ownership interest in the vehicle;
- (3) If an occupant requests that the pedestrian take that action or consents to the taking of the action; or if an occupant requests that the pedestrian deliver the tangible thing to an occupant or consents to such delivery; or if an occupant requests that the pedestrian receive a tangible thing from an occupant or consents to receiving it;
- (4) To the following persons while engaged in the performance of their respective occupations: (A) persons authorized by a governmental person to take the action; or (B) firefighting personnel, law enforcement personnel, EMS personnel, health care workers or providers, military personnel, civil preparedness personnel, emergency management personnel, or emergency management workers (defined by G. S. 166A-19.60(e));

- (5) To the extent that firefighting personnel, law enforcement personnel, EMS personnel, health care workers or providers, military personnel, civil preparedness personnel, emergency management personnel, or emergency management workers (defined by G. S. 166A-19.60(e)) direct otherwise for the purpose of promoting safety of persons or property or to address an emergency; or
- (6) To actions taken in response to an emergency.

Section 2. This ordinance is effective on the thirtieth day after its adoption.